

REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of September 6, 2006. Claims 1-39 are pending in the present Application. Applicant has amended claims 1, 3-5, 7-8, 13, 15-17, 19-20, 25, 27-29, 31-32, and 39. Consequently, claims 1-39 remain pending in the present Application.

Applicant has amended claims 1, 13, and 25 to recite specific undesirable characteristics in the extraneous applications. These characteristics had previously been recited in claims 3-5, 7-8, 15-17, 19-20, 27-29, and 31-32. Applicant has also amended claims 3-5, 7-8, 15-17, 19-20, 27-29, and 31-32 to harmonize these claims with claims 1, 13, and 25, as amended. In addition, Applicant has amended claim 39 to depend upon claim 26 instead of claim 21. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner objected to claim 39 because of an informality.

Applicant has amended claim 39 to depend upon claim 26 instead of claim 21. Consequently, the informality cited by the Examiner has been corrected. Accordingly, Applicant respectfully submits that the Examiner's objection has been addressed.

In the above-identified Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,794,052 (Harding). In so doing, the Examiner cited various portions of cols. 4, 5 and 14 for various undesirable characteristics of the extraneous startup applications.

Applicant respectfully traverses the Examiners rejection. Claim 1 recites a method for controlling a startup sequence in a computer system that includes automatically monitoring at least one aspect of a plurality of startup applications launched during the startup sequence.

Claim 1 further includes automatically analyzing the monitored aspect(s) of the startup applications to based on at least one criteria. The criteria indicate whether a portion of the plurality of startup applications is extraneous at startup. The portion of the startup applications is extraneous if they exhibit at least one undesirable characteristic. The undesirable characteristic includes at least one of a time of termination less than a particular threshold, a crash rate greater than a particular threshold, use of the portion of the plurality of startup applications being below a particular threshold, at least one aberrant behavior during operation, and utilizing unavailable hardware. The method recited in claim 1 also includes automatically removing from the startup sequence at least one of the portion of the plurality of startup applications that are extraneous. Claims 13 and 25 recite analogous computer-readable medium and an analogous computer system. Using the method, computer-readable medium and computer system, extraneous startup applications may be removed. Consequently, performance of the computer system may be improved.

Harding fails to teach or suggest the use of any of the specific characteristics in determining that a startup application is extraneous. Harding describes a system for installing and setting up software on a computer system. Harding, col. 4, lines 11-17. In particular, Harding describes a modular installation process. Harding, col. 4, lines 25-34. In order to perform the installation, Harding does describe making “changes to the configuration files or Windows directly. Again it is noted that the term ‘changes’ encompasses additions, deletions, and modifications.” Harding, col. 4, lines 48-52. Harding further describes the downloading of software, separately installing the modules, and checking the files to ensure only the appropriate changes for the software have been made. Harding, col. 4, lines 57-67. In the specific context of language selection for a computer system, Harding describes installing the appropriate software

for a user-selected language in the modular fashion and running a utility upon bootup that helps eliminate files relating to unselected languages. Harding, col. 6, line 32-col. 7, line 7. In particular, Harding describes removing all files in particular directories based on the selection of another language. Harding, col. 7, lines 10-52. See also, Harding, col. 14, lines 9-42.

Thus, Harding describes a system that installs software and automatically removes certain very limited types of software. In particular, the portions of Harding cited by the Examiner remove software based upon the language selected for the computer system. Harding, col. 14, lines 9-33 and 33-42. Other than a comparison of the language selected and the language to which the module corresponds, Applicant can find no mention in the cited portions of Harding of any mechanism for determining which applications are extraneous. This is in contrast to claims 1, 13, and 25, which recite that the undesirable characteristic indicating a startup application is extraneous includes one or more of: a time of termination less than a particular threshold, a crash rate greater than a particular threshold, use of the portion of the plurality of startup applications being below a particular threshold, at least one aberrant behavior during operation, and utilizing unavailable hardware. The portions of Harding specifically cited by the Examiner are also devoid of mention of any of these recited undesirable characteristics recited in independent claims 1, 13, and 25. Consequently, Harding fails to teach or suggest the features recited in claims 1, 13, and 25. Accordingly, Applicant respectfully submits that claims 1, 13, and 25 are allowable over Harding.

Claims 2-12 and 14-23, and 26-36 depend upon independent claims 1, 13, and 25, respectively. Consequently, the arguments herein apply with full force to claims 2-12 and 14-23, and 26-36. Accordingly, Applicant respectfully submits that claims 2-12 and 14-23, and 26-36 are allowable over the cited references.

In the above-identified Office Action, the Examiner rejected claims 37-39 under 35 U.S.C. § 103(b) as being unpatentable over Harding in view of U.S. Patent Application Publication No. 2002/0082912 (Batachia). In particular, the Examiner cited Batachia as teaching an undesirable aspect including accessing a particular Internet address.

Applicant respectfully traverses the Examiner's rejection. Claims 37-39 depend upon claims 1, 13, and 25, respectively. Consequently, the arguments herein apply with full force to claims 1, 13, and 25. Furthermore claims 37-39 recite wherein the at least one undesirable characteristic includes accessing at least one particular Internet address.

Applicant respectfully disagrees that the cited portion of Batachia describes accessing particular Internet address(es) as being an undesirable characteristic of a startup application that renders the application extraneous. Instead, Batachia indicates that it is the *passive nature* of the vendor's role in communications that only take place at the initiation of the customer that is undesirable. In particular, paragraph 3, lines 6-8 of Batachia state that "[f]rom a content provider's point of view, assuming a passive role where the customer's activities dictate whether its Website will be assessed is undesirable and is inefficient." A more active role that pushes data is desired. Batachia, paragraph 3, lines 9-15. Consequently, based on this teaching of Batachia, the same Internet address may be accessed, but by pushing rather than pulling data. Stated differently, it is not what Internet address is accessed, but how it is accessed that is of concern to Batachia. Moreover, Applicant has found no mention in Batachia of automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on certain criteria to determine whether some portion of the applications was extraneous, and removing the extraneous applications.

Because both Harding and Batachia fail to teach or suggest automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on certain criteria to determine whether some portion of the applications was extraneous, determining that an application that accesses particular Internet address(s) is extraneous, and removing the extraneous applications, any combination of Harding and Batachia also fails to teach or suggest these features. As discussed above, like Harding, Batachia also fails to teach or suggest that contacting particular Internet addresses is an undesirable characteristic. Consequently, any combination of Harding and Batachia fail to teach or suggest this feature. Stated differently, if the teaching of Batachia were added to the system of Harding, the combination would still remove certain language applications based upon a user's selection of the language. In addition, the combination might also allow for a more active role by a vendor, for example by allowing certain Internet addresses to push data to the network. However, the combination would not automatically monitoring aspect(s) of multiple startup applications, automatically analyzing these aspects based on criteria including whether certain Internet addresses are accessed to determine whether some portion of the applications was extraneous, and removing the extraneous applications. Consequently, Harding in view of Batachia fail to teach or suggest the method, system, and computer-readable medium recited in claims 37-39. Accordingly, Applicant respectfully submits that claims 37-39 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date

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